

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHELLE CAIN and RADHA SAMPAT,
individually, and on behalf of all others
similarly situated

Plaintiffs,

vs.

No. 2:12-cv-15014
Hon. Gerald E. Rosen

REDBOX AUTOMATED RETAIL, LLC, a
Delaware Limited Liability Company,

Defendant.

**OPINION AND ORDER DENYING PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

Concurrent with their Complaint, Plaintiffs filed -- without an accompanying brief -- a Motion for Class Certification. (Plf's Mtn., Dkt. # 2). In so doing, Plaintiffs requested that this Court "enter and continue the instant motion until after the completion of discovery on class wide issues, at which time Plaintiffs will submit a fulsome memorandum of points and authorities in support of class certification." (*Id.* at 1). Plaintiffs filed this motion "to prevent Defendant from attempting a so-called 'pick off' to moot their representative claims." (*Id.* at 1 n.1). *Cf Genesis Healthcare Corp. v. Symczyk*, 133 S. Ct. 1523 (2013) (Fair Labor

Standards Act collective action was not justiciable when the lone plaintiff's individual claim became moot).

Defendant has now filed a Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Def's Mtn., Dkt. # 22). Because Plaintiff's initial Motion for Class Certification is not fully briefed by either party and because resolution of Defendant's pending dispositive motion will potentially resolve this matter, Plaintiff's Motion for Class Certification is premature. If this Court resolves Defendant's pending motion in Plaintiffs' favor, it will hold a scheduling conference -- at which time the parties should be prepared to discuss discovery and class certification issues.

For all of the foregoing reasons,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Class Certification is DENIED without prejudice because it is premature

IT IS SO ORDERED.

Dated: September 13, 2013

s/Gerald E. Rosen

GERALD E. ROSEN

CHIEF, U.S. DISTRICT COURT

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, September 13, 2013, by electronic and/or ordinary mail.

s/Julie Owens

Case Manager, 313-234-5135